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BOSE MCKINNEY & EVANS LLP
135 N PENNSYLVANIA ST
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of :
BRESSAN :
Application No.: 10/556,669 : DECISION ON
PCT No.: PCT/US2004/010599 :
Int. Filing Date: 07 April 2004 : PETITION UNDER
Priority Date: 09 April 2003 :
Attorney Docket No.: 12258-0072 : 37 CFR 1.137(b)
For: METHODS AND COMPOSITIONS TO :
INCREASE PLANT RESISTANCE TO STRESS :
:

This decision is in response to applicant's submission filed 14 November 2005.

BACKGROUND

On 07 April 2004, applicant filed international application PCT/US2004/010599 which designated the U.S. and claimed a priority date of 09 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 October 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 October 2005 (09 October 2005 being a Sunday and 10 October 2005 being a Federal holiday).

On 14 November 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 14 November 2005.

As to item (2), applicant submitted the petition fee on 14 November 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).



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